

REMARKS

This application has been carefully reviewed in light of the Office Action dated March 28, 2007. Claims 1 to 31 and 46 to 64 remain pending in the application, of which Claims 1, 16, 31 and 46 are independent. Reconsideration and further examination are respectfully requested.

Applicants thank the Examiner for the indication that Claims 8 to 12, 23 to 27 and 53 to 57 would be allowable if they are rewritten into independent form.

Applicants have chosen not to rewrite these claims into independent form since their base claims are believed to be allowable for at least the reasons set forth below.

Claims 1 to 7, 13 to 22, 28 to 31, 46 to 52 and 58 to 64 were rejected under judicially-created doctrine of obviousness-type double patenting over Claims 1, 3, 10, 14, 16, 26, 28, 35, 54, 63, 64, 70, 78, 79, 85, 94, 95, 101, 109, 110, 116, 125 and 126 of co-pending Application No. 09/747,097 in view of U.S. Publication No. 2002/0007422 (Bennett). The rejections are respectfully traversed since the present invention is non-obviously different from the claims of the '097 application, and since there is simply no suggestion or motivation to have modified the claims of the '097 application utilizing the teachings of Bennett.

The present invention provides exclusive control to a user of a device's capabilities. In the present invention, when a request is received for a user to obtain exclusive control of the device's capabilities, a determination is made whether or not the device is available for the user to obtain exclusive control. If so, then the user is provided with exclusive control. If not, then the user is placed in a reservation queue of users

wanting to obtain exclusive control. Additionally, jobs submitted to the device are placed in a job queue, and when the user requesting to obtain exclusive control reaches the first position in the reservation queue such that they are provided with exclusive control, jobs in the queue that are pending for other users are deferred from being processed. Thus, the present invention includes several features that are not included in the claims of the '097 application.

One such feature is the determination of whether or not the device is available for the user to obtain exclusive control. No such determination is made in the claims of the '097 application. Rather, in the claims of the '097 application, exclusive control is affected by authentication of the user; not availability of the device.

Another feature is the use of the reservation queue of users wanting to obtain exclusive control. No such reservation queue is taught by the claims of the '097 application.

Yet another feature is the nexus between the user wanting to obtain exclusive control reaching the first position in the reservation queue, and this action having a corresponding action in the job queue of deferring jobs in the queue that are pending for other users. Since there is not reservation queue in the claims of the '097 application, there also, quite obviously, is no corresponding functioning between the two different queues.

Thus, the claims of the '097 application are simply non-obviously different from the present invention.

Bennett merely teaches a system for allowing multiple users access to various pieces of equipment. For instance, one of four types of access can be granted:

exclusive read access, read access, exclusive write access, and write access. With both read and write access, multiple users can access the equipment simultaneously. With exclusive write access, other users requesting write access will be denied. If another user requests exclusive write access, they may or may not be granted access depending on a priority level, and if they are not granted access, they can be placed in a wait queue. However, a user requesting exclusive read access while another user may have exclusive write access can apparently access the device. That is, the user is not actually granted exclusive control over the device's capabilities since other users can still access the device to perform a different function. Therefore, exclusive control over the device's capabilities is simply not granted to the user.

In view of the foregoing, Applicants submit that the claims of the present application are non-obviously different from the claims of the '097 application taken in view of Bennett.

Nonetheless, Applicants are submitting herewith a timely executed Terminal Disclaimer to disclaim the terminal portion of the patent granted on the subject application that may extend beyond the term of any patent that may be granted on the '097 application. The statutory fee for the Terminal Disclaimer is also being submitted. In view of the submission of the Terminal Disclaimer, it is believed that the double-patenting rejections are obviated. Therefore, reconsideration and withdrawal of the rejections are respectfully requested.

Applicants' undersigned attorney may be reached in our Costa Mesa,
California office at (714) 540-8700. All correspondence should be directed to our below
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Respectfully submitted,

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